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7 **THE DISTRICT COURT OF GUAM**

8 JONATHAN HUDSON,
9 Plaintiff,

CIVIL CASE NO. 19-00139

10 vs.

ORDER

11 G4S SECURE SOLUTIONS (GUAM),
12 INC.,
Defendant.

13
14 On September 27, 2019, Plaintiff filed a pro se complaint against G4S Secure Solutions
15 (USA), alleging employment discrimination on the basis of gender. ECF 1. Attached to the pro se
16 form complaint was a “Statement of Claim,” which set out the specific factual allegations
17 underlying Plaintiff’s claim. *Id.* at 7. Then-defendant G4S Secure Solutions (USA) moved to
18 dismiss, asserting—among other things—that Plaintiff had improperly sued G4S Secure
19 Solutions (USA), rather than her actual employer, G4S Secure Solutions (Guam). ECF 18.

20 On January 29, 2020, Plaintiff superseded the original complaint by filing an amended
21 pro se form complaint naming G4S Secure Solutions (Guam) (hereinafter “G4S”) as the
22 defendant. ECF 21. However, the original “Statement of Claim” was omitted from the amended
23 complaint, leaving only the form complaint. Defendant G4S now moves to dismiss, asserting that
24 the amended complaint contains only conclusory assertions of liability and therefore fails to state
25 a claim upon which relief can be granted.¹ Rather than filing an opposition to the motion,

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27 ¹ Because the amended complaint is simply a pro se form identifying the general nature of the
28 claim—employment discrimination on the basis of gender—and does not include the more
detailed “Statement of Claim” that was attached to the original complaint, Defendant is correct
regarding the conclusory nature of the amended complaint.

1 Plaintiff filed a request that her complaint be dismissed without prejudice so that she may refile
2 the action once she has obtained counsel to represent her. ECF 37. Defendant requests oral
3 argument on its motion to dismiss, ECF 40, but the Court finds that its disposition of this matter
4 would not be significantly aided by oral argument and therefore **DENIES** the request.

5 With respect to Plaintiff's request that the action be dismissed without prejudice to her
6 filing a new action after retaining counsel, the Court notes that 86 days have already elapsed
7 between Plaintiff's receipt of a right-to-sue notice from the E.E.O.C. and the filing of the present
8 action. *See* ECF 1 at 1, 5, 11. Because of the 90-day limitations period on Plaintiff's claim, *see*
9 42 U.S.C. § 2000e-5(f)(1), it is simply not realistic to expect that Plaintiff will retain counsel in
10 time to file an amended complaint before the limitations period has expired. Dismissal without
11 prejudice would therefore be futile with respect to filing a subsequent action with the aid of
12 counsel. Plaintiff's request for dismissal without prejudice is accordingly **DENIED**.

13 However, it appears likely that the deficiencies identified in Defendant's motion to
14 dismiss could be cured by Plaintiff's filing an amended complaint to state the factual basis for
15 the claim in more detail. Leave to amend is therefore warranted, especially in light of Plaintiff's
16 pro se status. The Court accordingly **DENIES** Defendant's motion insofar as it seeks dismissal
17 of this action with prejudice. Instead, the Court **DISMISSES** the operative complaint **WITH**
18 **LEAVE TO FILE A SECOND AMENDED COMPLAINT** that states the specific factual basis
19 for Plaintiff's claim of employment discrimination.² Any amended complaint shall be filed no
20 later than October 30, 2020. Failure to file an amended complaint by this deadline may result in
21 dismissal of the action with prejudice.

22 **SO ORDERED.**



23 /s/ Frances M. Tydingco-Gatewood
24 Chief Judge
25 Dated: Sep 30, 2020
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27 ² To the extent Plaintiff believes the "Statement of Claim" attached to the original complaint
28 already includes all relevant factual allegations, Plaintiff may simply refile the amended
complaint form along with the original "Statement of Claim."